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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

New Caledonia

Working paper prepared by the Secretariat*

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* This document was submitted on 19 April 2010 to allow for inclusion of up-to-date translated information about the Territory.

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I. General

1. New Caledonia is a non-self-governing Territory administered by France. The Territory, considered as a French overseas sui generis community and governed by chapter XIII of the Constitution of France, is located in the Pacific Ocean, 1,500 kilometres east of Australia and 1,700 kilometres north of New Zealand. It comprises one large island, known as Grande Terre, and smaller islands known as the Loyalty Islands (Ouvéa, Maré, Lifou and Tiga), the Bélep Archipelago, the Isle of Pines and the Huon Islands. There are also several uninhabited islands to the north of the Loyalty Islands. The area of Grande Terre is 16,750 square kilometres, and that of the Territory is 19,103 square kilometres. Nouméa, the capital, is located in the south of Grande Terre. The Territory is divided into three provinces, North and South (on Grande Terre and the Isle of Pines) and the Loyalty Islands. The official language is French and about 27 Kanak vernacular languages are spoken in geographically distinct regions.[1]

2. In August 2004, a census completed by the National Institute of Statistics and Economic Studies of France placed the population of New Caledonia at 230,789, an increase of 33,953, or 14.7 per cent in the eight years since the previous census, conducted in 1996. A more recent unofficial estimate assesses the population at 244,410 inhabitants as at 1 January 2008.[1] The 2004 census, which focused on regional as opposed to ethnic groupings of the population, provoked controversy and incited a boycott, mainly by pro-independence parties and indigenous groups, including the Front de libération national kanak socialiste (FLNKS) and the Union syndicale des travailleurs kanaks et des exploités (USTKE), dissatisfied with the omission of questions regarding ethnicity.

3. According to information provided by the administering Power, the 2009 census included data on ethnicity. This gave the inhabitants of New Caledonia the opportunity to identify themselves as belonging to a certain ethnicity. These data, which are expected to be released in the next few months, will constitute a tool for measuring the effects of rebalancing, that is, the redressing of a balance among the provinces, as the basis for the New Caledonian institutional process.

4. According to the administering Power, the new, unofficial results of the New Caledonia population census yielded several lessons that are now being challenged by the local governments of the Territory. The final numbers are highly anticipated because they are vital to calculating the financial allocations that the State grants to the communities. Yet, for some, they underestimated the net migration. An explanatory mission visited the Territory in February 2010 and confirmed the census results. A supplementary study will be conducted on net migration.

5. Meanwhile, the most recent official information on ethnicity dates from the 1996 census, in which respondents were asked to choose the community to which they felt they belonged, from a number of given categories. The population comprised Melanesians, mainly Kanaks (44.1 per cent); persons of European origin, mainly French (34.1 per cent); Wallisians (9 per cent); Tahitians (2.6 per cent);

Note: The information contained in the present paper has been derived from published sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations.

[1] Population data for 2008 from the National Institute of Statistics and Economic Studies (ISEE).

Indonesians and Vietnamese (2.5 per cent); and populations classified by the National Institute of Statistics and Economic Studies as "others" (7.7 per cent).

6. Although there has been a measurable increase in New Caledonia's population since 1996, the relative geographical demographics have remained essentially unchanged, with the majority of the population (approximately 70 per cent) living in the South Province, mainly around the greater Nouméa area, approximately 20 per cent in the North Province, and approximately 10 per cent in the Loyalty Islands. In 1996, the native Kanak population comprised almost 78 per cent of the population of the North Province and 97 per cent of the population of the Loyalty Islands, but only 25.5 per cent of the population of the South Province. With respect to the Territory's second largest population group, persons of European origin, 89 per cent live in the South Province.

II. Constitutional, political and legal issues

7. Following the Matignon Accords of 1988, the political and administrative structures of New Caledonia underwent further changes as the result of the Nouméa Accord, signed on 5 May 1998 between the Government of France, FLNKS and the Rassemblement pour la Calédonie dans la République (RPCR), and accepted by the people of the Territory by referendum and codified into French law. Under the Accord, the signatories opted for a negotiated consensual solution on political status, which they will submit together to the inhabitants of New Caledonia for a decision. The process is scheduled to end with a referendum between 2014 and 2018, on a date to be decided by a three-fifths majority of the Congress of New Caledonia, when the Territory will address the question of the transfer of sovereign powers to New Caledonia, its access to the international status of full responsibility and the organization of citizenship by nationality. Details on the non-revocable powers of State that are gradually to be transferred to the Territory and on the various institutional arrangements under the Nouméa process are contained in working papers A/AC.109/2005/13 and A/AC.109/2009/9 and are also given below.

8. The French State is represented in the Territory by a High Commissioner. The current High Commissioner, Yves Dassonville, was appointed on 26 October 2007. Under the Organic Law of 19 March 1999 concerning New Caledonia, the State has powers over areas prescribed by law, including external relations, immigration and aliens, the currency, the Treasury, trade, defence, justice, the civil service, and maintenance of law and order. In the area of defence, the High Commissioner performs functions prescribed by the relevant legislation. The High Commissioner may declare a state of emergency as provided for under the relevant legislation; he shall refer the matter to the Minister for Overseas after informing the New Caledonian Government authorities. Under the territorial defence structure, the Office of the High Commissioner of the Republic in New Caledonia is the seat of the New Caledonian defence sector. According to media reports, there were some 3,000 French military personnel (Forces armées de Nouvelle-Calédonie), in New Caledonia in 2009.

9. Political responsibility for New Caledonia lies with the French Minister for Overseas Departments and Territories, Brice Hortefeux, and the Minister for Overseas, Marie-Luce Penchard. During her official visit to New Caledonia in 2009, Ms. Penchard reaffirmed the State's determination to implement the Nouméa

Accord. Her straightforward comments and the even-handed approach of the State in New Caledonia went a long way towards reassuring the different political parties of New Caledonia.

10. The territorial Government represents the executive power of New Caledonia and is headed by the President. It is elected by Congress and responsible to it. It is composed of between 5 and 11 members, the exact number to be set by Congress prior to the election of the Government; since May 1999, it has consisted of 11 members. The Nouméa Accord stipulates that the Government is a collegial cabinet, which must proportionally reflect party representation in Congress. The President is elected by a majority vote of all Government members. On 5 June 2009, the Congress of New Caledonia elected Philippe Gomes as the new President of the territorial Government.

11. Administratively, the archipelago is divided into three provinces: South Province (provincial capital: Nouméa); North Province (provincial capital: Koné); and Loyalty Islands Province (provincial capital: Lifou). The President of each Provincial Assembly is drawn from the majority party and acts as the chief executive of the province. Assembly members are elected to five-year terms.

12. New Caledonia has a 54-member Territorial Congress, a legislative body composed of members of the three Provincial Assemblies (15 from the North Province, 32 from the South Province and 7 from the Loyalty Islands Province), elected for five-year terms.

13. In keeping with the five-year electoral cycle, elections to Congress and to the Provincial Assemblies have been scheduled by decree for 10 May 2009. The candidates submitted 24 lists for all three electoral districts concerned (10 lists in South Province, 7 lists in North Province and 7 lists in the Loyalty Islands Province). The electorate was made up of 135,932 voters, 98,558 of whom exercised their right to vote, yielding a voter turnout of 72 per cent. The Provincial Assemblies were sworn in on 15 May 2009 and Congress on 22 May 2009.

14. According to the administering Power, the Labour Party filed an appeal with the State Council, citing irregularities in the absentee ballot procedure and in the voting at some polling stations and seeking the setting aside of the election of members to Congress and the Assemblies, in the electoral district of the Loyalty Islands. The election of members of Congress and the Assemblies for the Loyalty Islands Province was set aside by a decision of the State Council of 17 October 2009.

15. As a result, a new by-election to Congress and to the Provincial Assembly of the Loyalty Islands was held on 6 December 2009. Six lists of candidates were prepared for the election. The electorate was made up of 19,848 voters, 14,101 of whom exercised their right to vote, a voter turnout of 71.04 per cent (73.25 per cent voter turnout for the electoral district of the Loyalty Islands for the election of 10 May 2009).

16. A challenge was filed with the State Council by the "Les Îles pour tous" (The Island for All) list led by Senator Simon Loueckhote, seeking annulment of the 6 December 2009 election of members of Congress and the Assembly for the Loyalty Islands Province. The "Les Îles pour tous" list is a loyalist unity list resulting from the merger of the lists of three parties — Rassemblement-UMP (Union pour un mouvement populaire), Avenir ensemble (AE) and Ensemble pour

l'avenir) — which had stood separately for elections in May 2009 and had failed to win a single seat.

17. In keeping with the election schedule, and following the 2009 elections, the next elections for the Provincial Assemblies and Congress are scheduled for May 2014.

18. According to the administering Power, following the 2009 provincial elections, in June 2009, the 11-member Cabinet, which was formed as a result of the 2009 elections of representatives to Congress and to the Provincial Assemblies, includes one member from Avenir ensemble/Mouvement de la diversité (LMD), three members from Rassemblement-UMP, one from Union nationale pour l'indépendance (UNI), three from Union calédonienne and three from Calédonie ensemble (CE). Philippe Gomes (CE) has been the President of the Government since 5 June 2009. He is also responsible for the mining, energy and international air transport sectors as well as for issues relating to the transfer of power and to research. Pierre Ngaiohni, Kanak, elected on 15 June 2009, is the Vice-President. He is responsible for the vocational training sector, customary matters, relations with the Customary Senate and the Customary Councils as well as social issues.

19. For many years, the party system in New Caledonia was dominated by the anti-independence RPCR, since renamed Rassemblement-UMP. However, there was dissension within its leadership, leading to the emergence and electoral success of a new party, l'Avenir ensemble (AE). However, since 2008, AE has been torn asunder by internal discord and a new party, Calédonie ensemble (CE), led by Philippe Gomes, President of the Government since June 2009, has been established. This new "loyalist" agenda has once again served to broaden the appeal of the Rassemblement-UMP, as reflected in the 2009 elections. AE and CE are both opposed to complete independence and the "final" referendum of 2014. However, they are said to be more open to a consensus and dialogue with the independence movement and to the implementation of the Nouméa Accord. Meanwhile, in 2005, RCPR founder and long-time leader, Jacques Lafleur, established a new anti-independence party, the Rassemblement pour la Calédonie (RPC).

20. As previously reported, the Nouméa Accord provided for a parallel set of institutions designed to accommodate full political recognition of the Kanak identity. There are eight Customary Councils, each covering one of eight customary areas. In addition, there is a Territory-wide Customary Senate, comprising 16 members, 2 selected by each Customary Council, with a rotating presidency. The Customary Senate and the Councils are to be consulted by the executive and legislative bodies of New Caledonia on matters related directly to the Kanak identity.

21. According to the administering Power, the indigenous movement is basically represented by FLNKS, a coalition of several pro-independence political parties, including Union calédonienne, the oldest party of New Caledonia, which considers the Nouméa Accord as a process of emancipation that should lead to independence.

22. In November 2007, USTKE, a mainly Kanak trade union, formed a new party, the Parti travailliste (Labour Party). In its political platform, this pro-independence party emphasizes the provisions concerning the rights of the Kanak people and the right to self-determination, and the need to take into account the situation of both Kanak workers and workers of other communities, including the inequitable

distribution and use of the Territory's wealth and natural resources. This party, which is seeking immediate independence, ran for election for the first time during the municipal elections of March 2008. It recorded a substantial score in the North and the Loyalty Islands among the pro-independence electorate. This score was confirmed and the political standing of the party leader, Louis Kotra Uregueï, also founder of the USTKE, was enhanced, especially following his good showing in the provincial by-elections of late 2009. The two-fold increase in the number of votes won by the Parti travailliste creates a new political landscape for the pro-independence movement.

23. FLNKS had tried at one point to strengthen its internal unity, particularly during the legislative elections of 2007. However, the establishment of the Parti travailliste, an outgrowth of USTKE and advocate of independence in 2014, as well as the results of the provincial elections, showed once again that there were varying shades of opinion, including disagreements divisions among the supporters of independence. Such disagreements deepened during the social unrest of April and August 2009, which led to the imprisonment of several protesters and radical union leaders. At the same time, according to media reports, these developments refocused attention on shared concerns regarding various human rights aspects of prison conditions in the Territory.

24. Some members of the Union calédonienne (moderate pro-independence advocates) aligned with protests by trade union movements, hardened their positions, thus revealing a split within the ranks of the oldest party in New Caledonia.

25. With regard to the institutions of the French State, since 2007, no major national elections (except European elections) have been held in New Caledonia. It should be recalled that New Caledonians participated in the presidential elections of May 2007, with the majority of them (63 per cent) voting for Nicolas Sarkozy. Following the 2009 European elections, a local elected official, Maurice Ponga (Rassemblement-UMP), became the first Kanak elected to the European Parliament.

26. The President of the Republic, Nicolas Sarkozy, also stated on 19 January 2010, that the French State guaranteed the implementation of the Nouméa Accord and the effective transfer of power. However, he called on New Caledonians to immediately engage in discussions before 2014 on the institutional future of the country so that the consultation provided for in the Nouméa Accord could lead to an outcome approved by an overwhelming majority of voters.

27. The term of Senator Simon Loueckhote (RPCR), who was re-elected in 2001, will end in 2011, at which time the elected representatives of New Caledonia will designate two senators (owing to the creation of an additional seat) each for a six-year term. As previously reported, Senator Loueckhote launched his own political party, the Mouvement de la diversité (LMD), in 2008.

28. As previously reported, in June 2007, New Caledonia participated in the legislative elections for the French National Assembly, voting for the two seats set aside for New Caledonia in France's lower house, one for the first constituency, comprising the city of Nouméa and the Loyalty Islands Province, and one for the second constituency, comprising the North and South Provinces but excluding the city of Nouméa. The Rassemblement-UMP candidates won in both cases, sending

Pierre Frogier, the incumbent, back to the French National Assembly representing the second constituency, joined by Gaël Yanno representing the first constituency.

29. With regard to the Territory's legal system, according to official sources, New Caledonia is an overseas territorial unit with a unique legal regime within the French Republic. The Matignon Accords and the resulting referendum law preceded the Accord for New Caledonia signed in Nouméa on 5 May 1998, and the Organic Law of 19 March 1999, which establishes the current status of New Caledonia. According to an independent study commissioned by the territorial Government, the law applicable in New Caledonia, including civil law, is a combination of discrete norms from multiple sources: metropolitan law, and the law of New Caledonia, which is the law enacted by New Caledonia pursuant to the Organic Law, as well as customary law as reflected in a set of local norms.

30. With regard to the implementation of the various provisions of the Nouméa Accord, as previously reported, the gradual transfer of powers from France began in 2000 and is scheduled to end before the planned referendum. The Accord commits France to transfer responsibility over all areas of government (except the "sovereign" powers of defence, justice, public order, money and some areas of external affairs) to New Caledonia. France and the Territory share responsibility for mining regulations, higher education and research, broadcasting, air services, immigration, regional relations and some areas of international relations.

31. A task force to help New Caledonia's working groups to prepare for the transfer of the next set of powers was established on 20 February 2008, in support of the 13 working groups instituted in 2007, one for each of the powers to be transferred, under the auspices of the High Commissioner. A detailed and unanimous agreement was reached on the transfer of powers to New Caledonia in 2009, on the basis of the work carried out by the working groups. The amendment to the 1999 Organic Law was adopted after the provincial elections of 2009. Moreover, according to media reports, on 30 November 2009, the Congress of New Caledonia unanimously endorsed the takeover by the territorial Government of such key sectors as secondary education, private primary education, police and security, and domestic maritime and air transport.

32. Some steps have been taken to fulfil the requirement contained in the 1998 Nouméa Accord of agreeing on identity symbols around which New Caledonia can unite, including an anthem, motto and banknote design, in addition to a new name and flag. These questions remain to be resolved and, according to the administering Power, remained under discussion as at early 2010.

33. Information on the statements made in 2009 by the President of the territorial Government and a representative of FLNKS before the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly is contained in section VI below.

34. As previously reported, the text of the Nouméa Accord is contained in the 1999 working paper (A/AC.109/2114, annex). Early in March 2009, the President of the Government of New Caledonia, along with the French High Commissioner, launched a related website, www.transfertsdecompétences.gouv.nc.

III. Budget

35. According to the administering Power, the territorial Government's budget for 2010, adopted by the Congress of New Caledonia in December 2009, totalled approximately €1.4 billion. The 2010 budget reflects a slight increase, of almost 1.5 per cent, in tax revenue compared with the previous budget.

36. The Institut d'émission d'outre-mer (IEOM), a Paris-based national public institution, was founded and chartered by the Government of France in 1966 and empowered to issue a uniform currency in the French territories of the Pacific. IEOM issues the legal tender in New Caledonia, the CFP franc (international currency code XPF). The convertibility of the CFP franc is guaranteed by the French Republic, based on fixed parity with the euro (1,000 CFP francs = 8.38 euros or 1 CFP franc = 0.00838 euros).

IV. Socio-economic conditions

A. General

37. Against the backdrop of an ongoing policy aimed at redressing economic and social imbalances between the South Province (which is more developed in such sectors as infrastructure, economy, employment and education) and the less developed North Province and Loyalty Islands Province, the Territory remains one of the world's largest nickel exporters. In addition to nickel, substantial financial support from France and tourism are keystones of the economy. According to the administering Power, New Caledonia remains heavily dependent on direct financial transfers from France, which continue to account for approximately 30 per cent of GDP. In 2008, New Caledonia had a per capita GDP of €24,746 and an average growth rate of 3.7 per cent over the previous 10 years.

38. According to information provided by the administering Power, the French State continues to offer fiscal incentives to encourage investments in the productive sectors of the overseas economies. For New Caledonia, it approved a budget of €120 million for projects for 2009; most of that amount was allocated to social housing. At the same time, starting in 2009, the French Government's pension supplement for civil servants who retire in France's overseas territories is being gradually phased out over a 10-year period, affecting about 4,000 civil servants in the Territory.

39. As previously reported, the cost of living in the Territory remains an issue of concern. According to information provided by the administering Power, in October 2008, consumer prices had risen by 3.3 per cent as compared with the same period of the previous year, the highest rate of inflation since September 2007.

40. As previously reported, there has been some discussion in the Territory, as in other French territories in the Pacific, as to whether to adopt the euro in place of the French Pacific franc. According to the administering Power, no official position has yet been taken and no schedule has been adopted.

B. Labour and education

41. As previously reported, the number of unemployed persons fell from 12,275 in 2003 to 7,923 in 2007, and finally to 7,292 in 2009, according to the administering Power, largely as a result of the increasing labour demand in the mineral industry. Regional disparities persist, with around 90 per cent of jobs concentrated in the South Province.

42. According to media reports, unemployment figures released by New Caledonia's National Institute of Statistics and Economic Studies show that, despite the previous year's downturn in commodity prices, it appears the Territory has escaped the worst, with the number of job offers up 5.4 per cent in 2009. Unemployment in the North Province has traditionally been high, but the number of mining-related projects there means that demand for workers has soared in some areas. Only the remote Loyalty Islands have experienced little or no increase in job offers. The unemployment rate across the Territory now stands at 6.4 per cent.

43. At the end of 2009, the Territory's Congress approved a law protecting the job market for local inhabitants. However, according to media reports, the FLNKS movement found that the provisions of that law were insufficient and not in the spirit of decolonization as enshrined in the Nouméa Accord.

44. As previously reported, labour disputes are traditionally frequent in New Caledonia, leading to many hours of lost productivity owing to strikes and lockouts. According to the administering Power, in 2009, the Union syndicale des ouvriers et employés de Nouvelle-Calédonie (USOENC-Mines) continued to be the leading trade union of the Territory with growth in membership of almost 4 per cent; as leaders of unions such as USTKE have been convicted in court, their influence has diminished.

45. According to media reports, early in 2010, the Minister for National Education of France visited New Caledonia and signed an agreement to transfer control of secondary school education from France to the Territory. The transfer is part of the Nouméa Accord process and is to come into effect in January 2012. The Government of France has undertaken to continue funding the education system, the costs of which comprise approximately one third of the territorial Government's budget, including the remuneration of some 4,500 teachers and administrators.

C. Mineral resources

46. New Caledonia has more than 25 per cent of the world's known nickel resources. According to the administering Power, nickel is the primary source of export earnings, accounting for about 6.8 per cent of the world's nickel output and employs some 3,500 people in mining firms of varying sizes. Thus, the Territory's economic development continues to be closely connected with developments in the global nickel market.

47. According to the administering Power, after the price of nickel dropped during 2008, leading to production cuts and falling export earnings, 2009 saw a slight reversal of this trend, which ultimately did not affect the overall situation. From November 2008 to November 2009, the United States dollar value of nickel minerals and metal exports fell by 28.9 per cent and 38.3 per cent respectively. This

highly dynamic sector continues to make up about 90 per cent of New Caledonia's exports and generates numerous related economic activities, all almost entirely dependent, directly or indirectly, on international demand and nickel prices. The territorial Government continues to emphasize the development of local metallurgical production, which is expected to create more sustainable wealth than mineral exports.

48. According to the administering Power, in 2009, a framework for the development of mining resources was adopted by the Congress of New Caledonia, soon followed by a mining bill. These two pieces of legislation would promote a more coherent approach to the mining industry, emphasize the local processing of resources, and the preservation of the environment and protection of biodiversity.

49. Furthermore, there are currently two major projects related to nickel mining under way in New Caledonia, namely those of the Xstrata and Vale Inco (former Companhia Vale de Rio Doce) companies, in partnership with the New Caledonian Government. While these projects, which are part of the strategy for the development and economic rebalancing of the Territory enjoy a broad political consensus, they remain controversial for environmental and financial reasons. In particular, it has often been noted that the mining rights for the Vale Inco project were sold off cheaply. Moreover, there is some concern among the local people that development will damage the region's environment. The north project (Xstrata) has, so far, been widely supported by both politicians and local communities alike.

D. Tourism

50. Tourism continues to constitute an important sector of the Territory's economy. According to the administering Power, it accounts for about 4 per cent of GDP and 8 per cent of employment. Most tourists come from France, Japan, Australia and New Zealand. Over the past few years, the number of tourists has remained stable, at around 100,000 visitors a year, while the number of cruise tourists has increased sharply (160,000 in 2009 versus an average of 120,000 in the early 2000s).

51. As previously reported, the Government of New Caledonia launched a strategic plan in December 2005 to revive the tourism industry, aimed at increasing the number of tourists to 180,000 during the 2005-2015 decade. The first phase involved a new marketing strategy and subsidized rental accommodation designed to attract an upscale clientele. The second phase, now under way, aims to increase hotel accommodations. According to the administering Power, New Caledonia now has 1,933 hotel rooms, compared to 400 in 2006. The final phase will attempt to consolidate New Caledonia's position in the international tourism market. The renovation and upgrading of Nouméa's international airport, Tontouta, continue and are due to be completed by early 2011.

E. Other economic sectors

52. Economic sectors that also contribute to New Caledonia's GDP include commerce, services, construction and public works, small- and medium-scale industry and agriculture. Only a negligible amount of the land is suitable for cultivation, and food accounts for about 20 per cent of New Caledonia's imports.

According to the territorial Government, half of the traditional lands are owned by the Kanak people.

53. The agriculture and fishery sectors, while representing a small fraction of the Territory's GDP, occupy a central place in New Caledonian society, employing some 30 per cent of the population. As previously reported, the prospect of lower-cost, large-scale farming developing still appears distant, but a growing number of farmers are engaging in ecotourism in order to generate more income.

54. According to the administering Power, fisheries continue to be underdeveloped, with commercial fishing accounting for only a third of the total catch. Shrimp exports were New Caledonia's second largest export category in 2008, after nickel and nickel products; however, despite investment assistance to fisheries, certain structural difficulties, such as distance from markets, affect production costs and place this sector at a disadvantage.

55. As previously reported, the construction sector has been healthy in recent years, and accounts for roughly 8.6 per cent of GDP, employing 9.8 per cent of the salaried population in 2008, according to the administering Power. Manufacturing remains small scale, accounting for approximately 13 per cent of GDP, and is largely focused on the transformation of foodstuffs, textiles and plastics, with most consumer items being imported.

V. Relations with international organizations and partners

56. The legal framework within which New Caledonia may establish external relations is governed by the Organic Law of 1999.

57. New Caledonia has been an associate member of the Economic Commission for Asia and the Pacific since 1992.

58. In 2006, New Caledonia became an associate member of the Pacific Islands Forum, having been an observer since 1999. The fortieth meeting of the Forum, held in Cairns, Australia, from 4 to 7 August 2009, was attended by the delegation of New Caledonia, headed by the President of the territorial Government. Since 2007, observer status has been given to the Kanak people, represented by FLNKS, within the Melanesian Spearhead Group.

59. Further, New Caledonia is a member of the Pacific Community, the Pacific's oldest regional organization, whose secretariat is headquartered in Nouméa. Among other Pacific regional arrangements in which New Caledonia is involved are the South Pacific Regional Environment Programme, the Pacific Islands Development Programme and the South Pacific Applied Geoscience Commission.

60. New Caledonia has continued to strengthen its ties with the European Union, within which it has the status of associated territory as conferred by the Treaty of Rome, which forms the basis for the current development policy of the European Union. As previously reported, New Caledonia receives development aid from the European Union in the framework of the tenth European Development Fund for the Overseas Countries and Territories covering the period 2008-2013.

61. The third France-Oceania Summit, held in Nouméa on 31 July 2009, decided to strengthen relations among member countries of the Forum, regional

organizations of the Pacific, France and the French communities of Oceania, including New Caledonia.

VI. Consideration of the question by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

62. At its 7th meeting, held on 16 June 2009 (see A/AC.109/2009/SR.7), the Special Committee adopted a draft resolution introduced by Fiji (see A/AC.109/2009/L.3).

B. Special Political and Decolonization Committee (Fourth Committee)

63. At the 3rd meeting of the Fourth Committee, on 6 October 2009, the President of the Government of New Caledonia and a Kanak petitioner addressed the Committee. At its 7th meeting, on 12 October 2009, the Fourth Committee adopted the draft resolution on the question of New Caledonia without a vote and recommended it to the General Assembly for adoption.[2]

64. At the 3rd meeting (see A/C.4/64/SR.3), the President of the Government of New Caledonia said that the Nouméa Accord provided for the emancipation of New Caledonia through a sharing of sovereignty with France. Such shared sovereignty also gave New Caledonia an international role. It was a full member of the Pacific Islands Forum and of the Melanesian Spearhead Group and it maintained representations in the Pacific area. The territorial Government had decided to report each year to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and to the Fourth Committee on the situation in the country.

65. As part of its international outreach, New Caledonia would continue to participate in the annual seminars of the Special Committee. In that regard, it wished to host the 2010 regional seminar on decolonization.

66. The speaker went on to say that the Matignon and Nouméa Accords had created an enabling environment for more equitable economic and social development and for restoring the balance between the different provinces. Indeed, the provinces owned large stakes in major iron and nickel concerns, and following major efforts to restore balance in land ownership, half of the traditional lands were now owned by the Kanak people. Many measures had been taken to ensure that Kanak identity was taken more broadly into account, including through the restoration of Kanak place names, the introduction of Kanak languages in schools and the presentation of traditional knowledge. Much work remained to be done in terms of education, addressing social inequality and ensuring equitable development across all provinces. The President concluded by saying that discussions were under

[2] *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 23* (A/64/23), chap. XII, draft resolution IV.

way with all interested parties concerning the holding of the referendum provided for under the Nouméa Accord.

67. Ms. Lauouvea, a petitioner from the Front de libération nationale kanak socialiste (FLNKS), said that the Nouméa Accord was a decolonization agreement which would lead to the fullest form of autonomy for New Caledonia under the French Republic. Since the Nouméa Accord provided for a transfer of powers to New Caledonia, the Territory's governance would have to be improved to give New Caledonians full ownership of decision-making. In that regard, New Caledonia's human resources needed to be developed and its economy diversified, including through the use of earnings from nickel, which could also be used to address imbalances in provincial development.

68. The speaker went on to say that there were problems with respect to financing for development and related structural reforms. The uneven distribution of wealth in the Territory was of great concern, as over a quarter of the population lived below the poverty line and many did not have decent housing. For its part, the speaker stated, FLNKS continued to promote the idea of sharing a common destiny, which might become a nationality, should New Caledonians so decide. In 1998, New Caledonians had accepted the challenge of showing that decolonization could proceed democratically and peacefully. However, that process required the development of transparent public policies, and an assessment of its public policies by the United Nations to ensure that the hopes raised by the Nouméa Accord would not be dashed (see A/C.4/64/SR.3).

C. Action taken by the General Assembly

69. At its 62nd plenary meeting, on 10 December 2009, the General Assembly adopted, without a vote, resolution 64/102 on the question of New Caledonia on the basis of the report of the Special Committee transmitted to the General Assembly and its subsequent consideration by the Special Political and Decolonization Committee (Fourth Committee).